

RESTRICTION REQUIREMENT UNDER 35 U.S.C. §121

Applicants hereby affirm the provisional election made with traverse of Group I, claims 1-3, and made with traverse in a telephone conversation with the Examiner. The grounds for traverse are as follows.

In order to properly maintain a restriction requirement under 35 U.S.C. §121, two distinct criteria must be satisfied. Namely, as set forth in MPEP §803, (1) the subjects of the claimed inventions must be shown to be either distinct or independent, and (2) it must be shown that examination of the two separately claimed inventions together in a single application would pose a "serious burden" to the Examiner. It is submitted that at least the second of these criteria has not been satisfied. In particular, the nature and relationship between the two separately claimed inventions are such that examination together of claims 1-3 and claims 4-6 in a single application would not pose a "serious burden" to the Examiner.

However, in order to expedite prosecution, claims 4-6 have been canceled, subject to applicants' right to pursue these claims in a divisional application.

DOUBLE PATENTING REJECTION

Claims 1-3 stand rejected under the judicially created doctrine of double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,250,855 on the grounds set forth in paragraph 7 of the Official Action. This rejection is respectfully traversed.

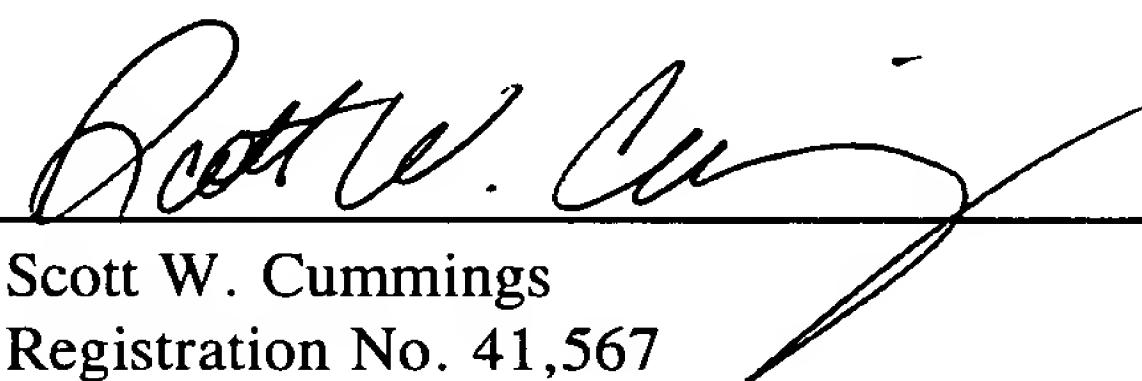
However, in order to expedite prosecution, applicants submit herewith a duly executed Terminal Disclaimer, thereby obviating the above-noted ground of rejection.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Scott W. Cummings

Registration No. 41,567

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: August 17, 2001